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Attorneys for Defendants **JOSE ZAVALA and
JULIO QUINTANILLA**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MARGARITO T. LOPEZ, SONIA
TORRES, KENI LOPEZ, ROSY
LOPEZ,

Plaintiffs,

v.

CITY OF LOS ANGELES, JOSE
ZAVALA, JULIO QUINTANILLA,
AND DOES 1 THROUGH 10,
INCLUSIVE,

Defendants.

CASE NO. 2:22-cv-07534-FLA-MAAx

[Assigned to Judge Fernando L. Aenlle-Rocha, USDC-
Hon. Mag. Maria A. Audero, USDC-Roybal Bldg]

**DEFENDANTS' NOTICE OF MOTION
AND *SECOND* MOTION IN LIMINE
TO PRECLUDE ANY REFERENCE
TO "GOLDEN RULE" TYPE
ARGUMENTS OR SIMILAR TYPES
OF ARGUMENTS TO VALUE
DAMAGES**

[Filed concurrently with Declaration of
Muna Busailah to Motions *in Limine* No. 1,
No. 2, No. 3, No. 4 and No. 5; Exhibits A-
C; [Proposed] Order]

FPTC: May 31, 2024
TIME: 1:00 PM
DEPT: 6B, 6th Floor

PLEASE TAKE NOTICE THAT Defendants OFFICERS JOSE ZAVALA
AND JULIO QUINTANILLA (collectively "Defendants"), will and hereby do
move this Court, before trial and prior to jury selection, for the following order in
limine precluding any reference to "Golden Rule" type arguments or similar types

1 of arguments to value damages, i.e. evidence and argument that invites the jurors to
2 place themselves in the shoes of the parties or suggests the jury may have an
3 emotional stake in the outcome of the case by imagining how tragic it would be to
4 be one of the parties or to have a juror's loved one be one of the parties.
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6 Counsel met and conferred on Defendants' motions in limine on June 21,
7 2023. Defendants believe that the parties were able to resolve this motion as a
8 result of the meet-and-confer, and that Plaintiff will not oppose the same.
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12 Date: May 3, 2024

STONE BUSAILAH, LLP

13 By: /s/ Muna Busailah

14 MUNA BUSAILAH, Esq.
15 Attorney for Defendants JOSE ZAVALA,
16 JULIO QUINTANILLA
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1 **DEFENDANTS’ MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION.**

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4 This lawsuit arises from a fatal use-of-force incident involving
5 Plaintiff/Decedent Margarito Edvin Lopez and City of Los Angeles Police
6 Department Officers Jose Zavala and Julio Quintanilla. *See generally* Doc. #1.
7
8 Plaintiffs (which include Decedent and several of his family members) allege
9 violations of federal and state civil rights, as well as claims state-law tort claims.
10 Plaintiffs seeks monetary damages against Defendants as a result of his alleged
11 injuries. *See generally id.*
12

13 **II. IMPROPER “GOLDEN RULE” ARGUMENTS EVALUATING**
14 **DAMAGES SHOULD BE EXCLUDED.**

15 The Golden Rule limitation forbids witnesses and counsel from inviting
16 jurors to place themselves in the shoes of the parties. It prevents the attorneys and
17 the witnesses from suggesting that the jury might have an emotional stake in the
18 outcome of the case by imagining how tragic it would be to be one of the parties or
19 to have a juror’s loved one be one of the parties. As the First Circuit aptly
20 explained:

21 There can be little doubt that suggesting to the jury that it put itself in the
22 shoes of a plaintiff to determine damages is improper argument. This so-
23 called Golden Rule argument has been universally condemned because it
24 encourages the jury to depart from neutrality and to decide the case on the
25 basis of personal interest and bias rather than on the evidence.
26

27 *Forrestal v. Magendantz*, 848 F.2d 303, 309 (1st Cir. 1988). Other circuit courts to
28 consider these ‘Golden Rule’ arguments have likewise found such arguments

1 improper. *See, e.g., Joan W. v. City of Chicago*, 771 F.2d 1020, 1022 (7th Cir.
2 1985)(“An appeal to the jury to imagine itself in the plaintiff’s position is
3 impermissible because it encourages the jury to depart from its neutral role. This
4 so-called ‘Golden Rule’ argument has been universally condemned by the courts.”)
5 (internal citation omitted); *Lovett v. Union Pacific*, 201 F.3d 1074, 1083 (8th Cir.
6 2000) (“A Golden Rule argument asks the jury to place itself in the defendant’s
7 position. Such an argument is universally condemned because it encourages the
8 jury to depart from neutrality and to decide the case on the basis of personal
9 interest and bias rather than on the evidence.”). And even this Court has found
10 such argument to be improper. *See Retamosa v. Target Corp.*, No. CV 19-5797
11 DSF (JCX), 2021 WL 4499236, at *1 (C.D. Cal. May 4, 2021) (“Golden rule and
12 reptile theory arguments are irrelevant to actual damages alleged in this case and
13 have a substantial likelihood of unfairly prejudicing the jury because these
14 arguments may encourage the jury to render a verdict based on personal interest
15 and bias rather than on the evidence.”) (internal citations and quotations omitted).

21 Because Golden Rule arguments appeal to the personal interests and biases
22 of the jury rather than the actual evidence presented, this Court should prohibit
23 Plaintiffs from referencing any “Golden Rule” arguments, along with any similar
24 types of arguments to value damages. This is particularly true where, as here,
25 Plaintiff Margarito Edvin Lopez suffered loss of life, which allegedly occurred in
26 front of various of his family members. Such a factual scenario is ripe for
27
28

1 appealing to the emotional interests of the jury. Defendants would thus suffer
2 severe prejudice should this Court permit Plaintiffs to make any Golden Rule
3 arguments.
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5 **III. CONCLUSION**

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7 For the forgoing reasons, Defendants respectfully request this court grant
8 this motion in limine and preclude any reference to “Golden Rule” type arguments
9 or similar types of arguments to value damages.
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14 Date: May 3, 2024

STONE BUSAILAH, LLP

15 By: /s/ Muna Busailah

16 MUNA BUSAILAH, Esq.
17 Attorney for Defendants JOSE ZAVALA,
18 JULIO QUINTANILLA
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